



**TOWN OF GRAFTON  
ZONING BOARD OF APPEALS**

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**MINUTES**

ZONIG BOARD OF APPEALS  
THURSDAY, OCTOBER 15, 2015  
CONFERENCE ROOM A  
AT THE MUNICIPAL CENTER

A meeting of the Zoning Board of Appeals was held on Thursday, October 15, 2015 in Conference Room A at the Municipal Center.

**Members present:** Mr. William McCusker-Chairman, Mr. Michael Robbins- Clerk, Mr. Elias Hanna, Mr. Peter Adams, Mr. William Yeomans-Alternate Member, and Kay Reed – Alternate Member,

**Absent:** Mr. Robert Nault- Vice Chairman and Mr. Robert Berger – Zoning Enforcement Officer.

Meeting called to order at 7:30 p.m.

**7:30 p.m. Case #809-3 Sibley Street - Variance**

The Board introduces themselves.

Chairman reads rules of order. Clerk reads the legal notice.

Chairman appoints Mr. Yeomans as voting members on this case.

Sean Padgett of 57 Old Upton Road gives Board copy of a document outlining the history of this case and the property in question. Believes the lot is a legally grandfathered lot because it has been a legal lot for 53 years. Believes 5 Sibley and 3 Sibley are each their own lot and he has been assessed yearly, with separate tax bills on each piece of property. Was told 5 Sibley is not a buildable lot due to the "Merger doctrine", both lots were under common ownership. Even though they had the same owner, they have always been treated as separate lots. Need 12.97' of relief on 3 Sibley to make the 140' of frontage so we can build on 5 Sibley. Had an ANR plan drawn up to give some land from 5 Sibley to 3 Sibley to make the lot conform to the by-laws. We purchased the property at 3 Sibley from the previous owner in June of 2010 for \$360,000 and purchased 5 Sibley from the same owner in December of 2011 for \$25,000. Came to a price on 5 Sibley based on what he paid for 3 Sibley and the amount of work needed on that piece of property.

Variance points:

1. Hardship: 60% of the lot is wetland
2. Incidental: The wetland issue is only unique to a few lots at that end of the street
3. Without Detriment: 3 Sibley has been there for over 50 years, it is all residential, another house would not take away from the neighborhood
4. Intent & Purpose of by-law: To maintain the conformity of the area, by-law was created to create conformity for future lots.

Chairman commends applicant on the great job of covering all the information on the history of the lots and the reason for granting the variance.

Chairman asks the Board if they have any questions – none.  
Chairman asks if there is anyone that wishes to speak for or against the petitioner – no.  
Chairman asks if we have received any letter in favor or against – none received.  
Chairman closes hearing to public input.

Motion made by Mr. Hanna and 2<sup>nd</sup> by Mr. Yeomans to grant a variance to Mr. Sean Padgett of 57 Old Upton Road, for 3 Sibley Street for 12.97' of frontage.

On a roll call vote: Mr. Yeomans – yes; Mr. Adams-yes; Mr. Robbins – Yes; Mr. Hanna- yes. Chairman-yes.  
5-yes, 0-no, motion passed, variance granted.

Motion made by Mr. Robbins and 2<sup>nd</sup> Mr. Mr. Hanna to end hearing. 5-yes, 0-no. Hearing closed at 8:11 p.m.

### **8:13 p.m. Case #810 – 9 Logan Path –Special Permit**

The Board introduces themselves.  
Chairman reads rules of order. Clerk reads the legal notice.  
Chairman appoints Mrs. Reed as voting members on this case

Kim Truong-Ho of 9 Logan Path appoints Mr. Craig Hook, the contractor to speak on her behalf.  
Details that they will be adding a 2<sup>nd</sup> story to the home and not going outside the current footprint of the home.  
The home is currently condemned. She purchased the home in August. Due to the lot and home being non-conforming, need a special permit to complete all the work.

Chairman asks if there is anyone to speak for or against the petition.

Dan & Nancy Ober – 11 Logan Path- currently resides next door. Is happy the house is being fixed up, but feels that adding the second story to the home is detrimental to him. They will be able to look down into his back yard. He put a fence up for privacy for his pool and Jacuzzi; will lose that privacy with the second story being added.

Ms. Jen Anderson – 6 Logan Path – is happy to see the house purchased and is being fixed up just wanted clarification on what exactly was going to be done to the home.

Chairman closes the hearing to public input.

Motion made by Mr. Adams and 2<sup>nd</sup> by Mr. Hanna to grant a special permit to Kim Truong-Ho of 9 Logan Path for a 2<sup>nd</sup> story addition to a pre-existing, non-conforming lot/structure, per Exhibit A – modified to allow removal of jog in front of house.

On a roll call vote: Mr. Adams-yes; Mr. Robbins-yes; Mr. Hanna-yes; Mrs. Reed-yes; Chairman-yes.  
5-yes, 0-no, motion passed, special permit granted.

Motion made by Mr. Robbins and 2<sup>nd</sup> by Mr. Hanna to end hearing at 8:40 p.m. 5-yes, 0-no, hearing closed at 8:40 p.m.

### **8:40 p.m. –Case #811- 14R Apple Ridge Lane - Variance**

The Board introduces themselves.  
Chairman reads rules of order. Clerk reads the legal notice.  
Chairman appoints Mr. Yeomans as voting members on this case.

Mrs. Erma Kelly wants a variance issued to allow the construction of just one house on a 24 acre lot where the frontage requirements and the lot width do not meet the by-law requirements. Years ago her and her husband appeared before the Planning Board the get approval for an 11 lot sub-division. They pulled the application from the Planning Board and it was never approved, had issues with wetlands in the front of the lot. Would like to sell the lot with only one house on it. Has been paying taxes on the property since the 1970's.

Chairman asks if there is anyone to speak for or against this petition.

Mr. Bob Carrol of 72 East Street, concerned about the old farm dump located on the property. Issues regarding the wetland and drainage issues on the property. Would prefer the 1 house versus the 11 lot subdivision. Just would want to see the location of the house on the property.

Mr. Dave Mason of 5 Dean Farm Road, Sutton – is the son of the petitioner. Can make the side and front setbacks larger than required.

Mrs. Joanne Duncan of 6 Apple Ridge Lane would like to make sure only 1 house could be built on this property and that after this approval, someone could not separate out parcels to build on separately.

Mrs. Erma Kelly would like to continue the hearing in order for her to get a clean and more detailed copy of a plot plan and where the location of the house would be located.

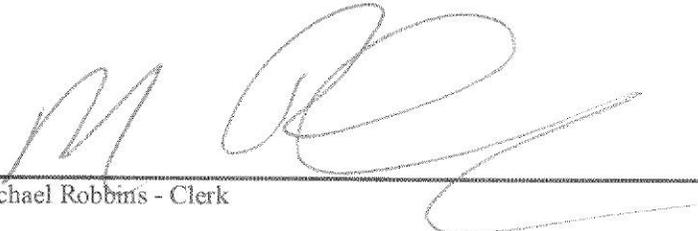
Motion made by Mr. Hanna and 2<sup>nd</sup> by Mr. Adams to continue Case #811 to Thursday, October 29, 2015 at 7:30 p.m. On a vote – 6-yes 0-no. Case #811 continued to Thursday, October 29, 2015 at 7:30 p.m.,

**Review of Meeting Minutes**

Review of minutes from meeting on 9/10/2015. Motion made by Mr. Yeomans and 2<sup>nd</sup> by Mrs. Reed to accept the minutes of September 10, 2015 a submitted. On a vote of 5-yes; 0-no – motion passed, minutes accepted.

Motion made by Mr. Yeomans and 2<sup>nd</sup> by Mr. Adams to adjourn meeting. On a vote of 5-yes, 0-no, motion passed, meeting adjourned at 9:20p.m.

Respectfully submitted by:  
Katrina Koshivos



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Mr. Michael Robbins - Clerk